

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

RUSSELL E. NEWKIRK, M.D., and  
LISLE A. EATON, JR., M.D.,

Plaintiffs,

**NOTICE OF  
DISMISSAL**

-against-

06-CV-0553  
GLS-RFT

CLINOMICS BIOSCIENCES, INC.; CYTOMYX  
HOLDINGS, PLC a/k/a CYTOMYX HOLDINGS  
GROUP,

Defendants.

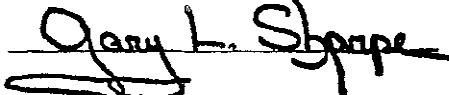
**PLEASE TAKE NOTICE** that pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, plaintiffs Russell E. Newkirk, M.D., and Lisle A. Eaton, Jr., M.D., hereby voluntarily dismiss, without prejudice, the within action against the defendant Clinomics Biosciences, Inc.

DATED: December 5, 2006

  
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**SO ORDERED:**

  
\_\_\_\_\_  
U.S. District Judge  
Date: 12/7/06

TO: William A. Hurst, Esq.  
**HISCOCK & BARCLAY**  
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